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General Assembly

Fifty-seventh session

Official Records

85th plenary meeting
Tuesday, 13 May 2003, 10.15 a.m.
New York

President: Mr. Kavan ..... (Czech Republic)

In the absence of the President, Ms. Pacari Vega (Ecuador), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 109 (*continued*)

Human rights questions

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Third Committee (A/57/806)

The Acting President (*spoke in Spanish*): I request the Rapporteur of the Third Committee, Ms. Oksana Boiko of Ukraine, to introduce the report of the Third Committee.

Ms. Boiko (Ukraine), Rapporteur of the Third Committee: I have the honour to introduce for consideration by the General Assembly the report of the Third Committee on agenda item 109 (b), entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" (A/57/806).

In paragraph 10 of the report, the Third Committee recommends the adoption of a draft resolution.

The Acting President (*spoke in Spanish*): If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the report of the Third Committee that is before the Assembly today.

It was so decided.

The Acting President (*spoke in Spanish*): Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the recommendation of the Third Committee have been made clear in the Committee and are reflected in the relevant official records. May I remind members that under paragraph 7 of decision 34/401, the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I also remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the draft resolution, I should like to advise representatives that we are going to proceed to take a decision in the same

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manner as was done in the Third Committee, unless notified otherwise in advance.

I call on the representative of the United States of America in explanation of position before the taking of the decision.

Mr. Twining (United States of America): The United States would like to make a very brief explanation of position.

The United States remains committed to the establishment of a credible tribunal, and supports the substance of the draft resolution before the Assembly; but it will dissociate itself due to concerns about the timing. The United States believes it would have been better to delay consideration of this draft resolution until after the Cambodian National Assembly elections in July.

At the same time, the United States acknowledges the efforts of the Secretary-General and the Government of Cambodia to reach agreement on the establishment of an extraordinary chamber with international assistance to bring to justice senior leaders of the Khmer Rouge and others who bear the greatest responsibility for atrocities committed. We take note of the commitment shown by a number of nations to establish a credible Khmer Rouge tribunal, especially the original sponsors of the draft resolution — Japan and France — as well as Australia, in leading the Friends.

The Acting President (*spoke in Spanish*): The Assembly will now take a decision on the draft resolution recommended by the Third Committee in paragraph 10 of its report.

The Third Committee adopted the draft resolution, entitled "Khmer Rouge trials", without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 57/228 B).

The Acting President (*spoke in Spanish*): I call on the representative of Japan.

Mr. Haraguchi (Japan): As one of the co-sponsors of the resolution just adopted, I should like to express our gratitude to all Member States for their understanding and support for its adoption without a vote. I also wish to take this opportunity to thank Mr. Hans Corell and his team for their efforts to achieve the agreement between the Secretariat and the Cambodian Government.

We are now definitely one step closer to bringing to justice those most responsible for one of the worst crimes against humanity of the twentieth century. The trials will provide us with an opportunity to help the Cambodian people close that tragic chapter of their history and build a free, accountable and stable society, which in turn will enhance the stability of Indo-China and the Asia-Pacific region as a whole. It is also our hope that the Extraordinary Chambers, assisted by the United Nations, will strengthen Cambodia's judicial system, promoting the rule of law and bringing to an end an atmosphere of impunity.

We believe that it is incumbent upon the international community to make the trials a success. I would like to take this opportunity to reiterate our appeal to all Member States to provide assistance, including financial and personnel support, to the Extraordinary Chambers so that they may begin to function promptly and smoothly.

I would also like to stress to Cambodia that, now that the General Assembly has decided to respond positively through the adoption of this resolution to its appeal for cooperation, it is that country's solemn responsibility to take all necessary measures, including prompt ratification of the agreement, to ensure that the Extraordinary Chambers will be able to achieve their objectives to the full.

In conclusion, let me stress once again that the success of the process leading to credible trials will depend on the efforts and commitment of the parties concerned, together with the understanding and cooperation of all Member States. Japan will continue to cooperate with the Secretariat and the Cambodian Government for the early establishment of the Extraordinary Chambers.

The Acting President (*spoke in Spanish*): The General Assembly has thus concluded this stage of its consideration of sub-item (b) of agenda item 109.

The meeting rose at 10.25 a.m.